

1
2 BILL NO. G-77-05-34.

3 GENERAL ORDINANCE NO. G-04-78

4 AN ORDINANCE amending General
5 Ordinance No. G-97 by authorizing
6 the vacation of a certain utility
7 easement.

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY
9 OF FORT WAYNE, INDIANA:

10 SECTION 1. Petition for the vacation of a certain
11 utility easement having been filed with the Fort Wayne City
12 Plan Commission in accordance with Section 44, Chapter 174,
13 of the Acts of the General Assembly of the State of Indiana,
14 as amended by Section 3, Chapter 385, of the Acts of 1963 of
15 the General Assembly of the State of Indiana (Burns Ind.
16 Stat., 1974 Replacement, Sec. 53-744), the Thoroughfare Plan
17 as set forth in General Ordinance No. G-97 adopted by the
18 Common Council of the City of Fort Wayne on November 26, 1963,
19 is amended by deleting the following utility easement, to-wit:

20 The Southeasterly two feet of the
21 southeasterly fourteen feet of the
22 northwesterly sixty-four feet of
23 Lot # 105 Lake Forest Extended,
24 Section IV, a subdivision in
25 Kercheval Reserve, Township 31
26 North, Range 13 East, in Allen
27 County, Indiana.

28 SECTION 2. After passage of this Ordinance, approval
29 by the Mayor and legal publication, a duly certified copy
30 of this Ordinance, of the recommendation of the Fort Wayne
31 City Plan Commission, and of the action of the Mayor, shall be
32 transmitted by the City Clerk to the Board of Public Works
33 of the City of Fort Wayne, Indiana.

34 SECTION 3. This Ordinance shall be in full force and
35 effect from and after its passage, approval by the Mayor and
36 legal publication thereof.

37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

Councilman

APPROVED AS TO FORM
AND LEGALITY.

CITY ATTORNEY

Read the first time in full and on motion by V. Schmidt, seconded by

Adams, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E. S. T.

DATE: 5/24/77

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Nuckols, and duly adopted, placed on its passage.

PASSED (~~Lost~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u>0</u>	_____	<u>2</u>	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>HINGA</u>	_____	_____	_____	<u>✓</u>	_____
<u>HUNTER</u>	<u>✓</u>	_____	_____	_____	_____
<u>MOSES</u>	_____	_____	_____	<u>✓</u>	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 2-14-78

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (~~ANNEXATION~~) (~~SPECIAL~~) (~~APPROPRIATION~~) ORDINANCE (RESOLUTION) No. G-04-78 on the 14th day of February, 1978.
ATTEST: (SEAL) Samuel J. Talarico
Charles W. Westerman CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of February, 1978, at the hour of 11:30 o'clock A. M., E. S. T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 22nd day of February, 1978, at the hour of 9:00 o'clock _____ M., E. S. T.
Robert E. Armstrong
MAYOR

Bill No. G-77-05-34

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance

Amending General Ordinance No. G-97 by authorizing the vacation of a certain
utility easement

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance also PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

JOHN NUCKOLS - VICE CHAIRMAN

WILLIAM T. HINGA

DONALD J. SCHMIDT

JAMES S. STIER

Vivian G. Schmidt
John Nuckols
William T. Hinga
D. Schmidt
James S. Stier

DATE 2-14-78 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

RESOLUTION OF DEDICATED UTILITY EASEMENT

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 24, 1977 referred a proposed dedicated utility easement vacation to the City Plan Commission which proposed ordinance was designated as Bill No. G-77-05-34; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

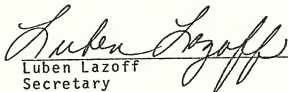
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 20, 1977;

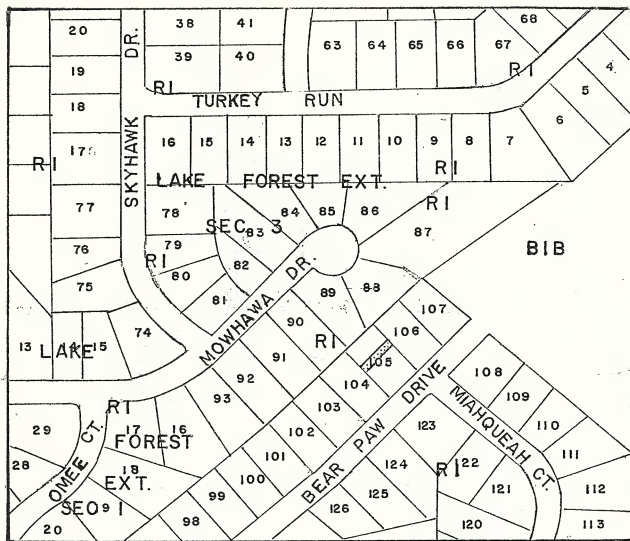
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and conflict with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 27, 1977.

Certified and signed this
25th day of January 1978.


Luben Lazoff
Secretary



PART OF EASEMENT TO BE VACATED



G-77-05-34

PETITION TO VACATE
PORTION OF DEDICATED UTILITY EASEMENT

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned Petitioners do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following described portion of dedicated public utility easement within the City of Fort Wayne, Indiana:

The Southeasterly two (2) feet of the Southeasterly fourteen (14) feet of the Northwesterly sixty-four (64) feet of Lot 105, Lake Forest Extended, Section IV, a Subdivision in Kercheval Reserve, Township 31 North, Range 13 East, in Allen County, Indiana.

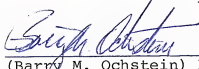
In support thereof, your Petitioners would represent as follows:


1. That they are the owners of the real estate abutting both sides of the dedicated public utility easement.
2. That no other person, firm or corporation is interested in or affected by the requested vacation.

Your Petitioners file this petition pursuant to the authority granted in Indiana Code, Section 18-7-5-46, in order to complete the vacation as above described.

WHEREFORE, your Petitioners pray that the above described portion of dedicated public utility easement be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED this 20th day of April, 1977.


(Barry M. Ochstein) Petitioner
1943 Bear Paw Drive
Fort Wayne, Indiana


(Debra D. Ochstein) Petitioner
1943 Bear Paw Drive
Fort Wayne, Indiana

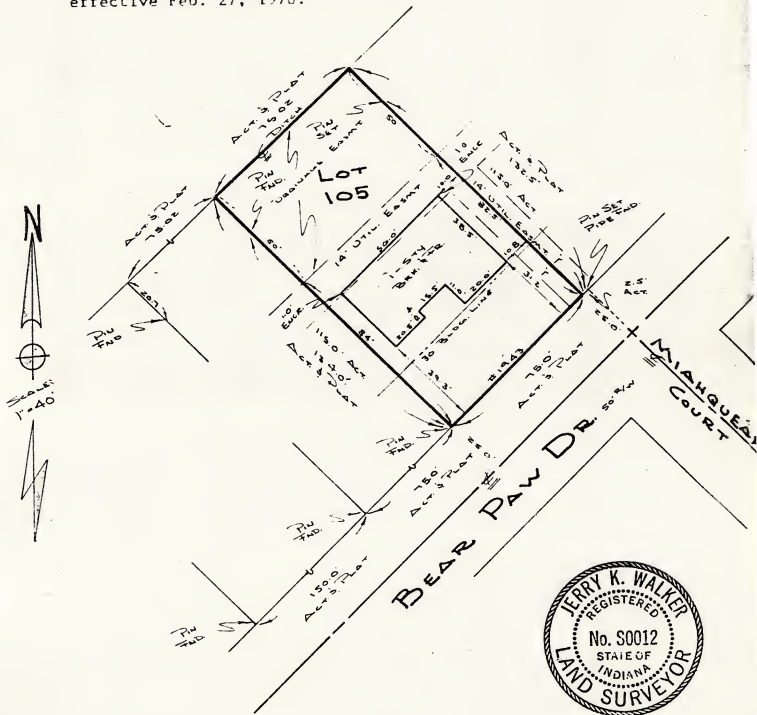
PROFESSIONAL ENGINEERS & LAND SURVEYORS

Jerry K. Walker P.E. & L.S.
Vice-President

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically shown below. Corners were perpetuated as indicated

Lot #105 in Lake Forest Extended, Section IV, a Subdivision
in Kercheval Reserve, Township 31 North, Range 13 East,
Allen County, Indiana.

This property is not in special flood hazard area as defined by the FIA Flood Hazard Boundary Map No. H-01-41, effective Feb. 27, 1976.



I hereby certify on the 21st day of February, 1977 that the above survey is correct.

Revised: 4-13-77 EASMT EUC.

Surveyed for: Ochstein/Tecca

Survey No.. ET-111

Fort Wayne, Indiana 46802

Phones: 219 743-0003 or 219 422-5383

Z. K. TAZIAN ASSOCIATES, Inc.

PROFESSIONAL ENGINEERS & LAND SURVEYORS

Zohrab K. Tazian, PE & LS
President

Jerry K. Walker, PE & LS
Vice-President

Certificate of Survey

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically shown below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

Description of the 14 foot utility easement on Lot #105 in Lake Forest Extended, Section IV, a Subdivision in Kercheval Reserve, Township 31 North, Range 13 East, Allen County, Indiana. The Southeasterly 14 feet of the Northwesterly 64 feet of said Lot #105.



variate
The
14 ft by 2 feet
of 64 ft



I hereby certify on the 14th day of April, 1977 that the above survey is correct.

Surveyed for: Ochstein/Tecca

Survey No.: ET-111

Handwritten signature of Jerry K. Walker.

Number assigned by Bill Salin's office: # 3628 Admn. Appr. _____
DIGEST SHEET

G-77-05-34

TITLE OF ORDINANCE Utility easement vacation ordinance

DEPARTMENT REQUESTING ORDINANCE CITY PLAN COMMISSION

SYNOPSIS OF ORDINANCE Petitioners are requesting the vacation of
a portion of the following described dedicated utility easement:

The Southereasterly two (2) feet of the Southeasterly fourteen (14)
feet of the Northwesterly sixty-four (64) feet of Lot # 105 Lake
Forest Extended, Section IV., a Subdivision in Kercheval Reserve,
Township 31 North, Range 13 East, in Allen County, Indiana.

EFFECT OF PASSAGE If vacation, this portion of the easement will
be utilized for the construction of a building.

EFFECT OF NON-PASSAGE Easement will remain as is.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.) _____

Resolutions



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

February 27, 1978

Ms. Virginia Grace
Fort Wayne, Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of March 3 and March 10, 1978, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana

Zoning Map Ordinance No. Z-03-78
Bill No. Z-77-12-29

Zoning Map Ordinance No. Z-04-78
Bill No. Z-77-12-30

General Ordinance No. G-04-78
Bill No. G-77-05-34

Please send us fourteen (14) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

LEGAL NOTICE
OF THE COMMON COUNCIL, FORT WAYNE, INDIANA

Notice is hereby given that on the 14th day of February, 1978, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. Z-77-12-29 --- ZONING MAP ORDINANCE NO. Z-03-78, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L 2.

Notice is hereby given that on the 14th day of February, 1978, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. Z-77-12-30 -- ZONING MAP ORDINANCE NO. Z-04-78, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. P 27.

Notice is hereby given that on the 14th day of February, 1978, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. G-77-05-34 -- GENERAL ORDINANCE NO. G-04-78, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain utility easement.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that Bill No. Z-77-12-29 -- Zoning Map Ordinance No. Z-03-78, that Bill No. Z-77-12-30 -- Zoning Map No. Z-04-78, and that Bill No. G-77-05-34 -- General Ordinance No. G-04-78, were passed by the Common Council on the 14th day of February, 1978, and that said Ordinances were duly signed and approved by the Mayor on the 22nd day of February, 1978, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 22nd day of February, 1978.


Charles W. Westerman
City Clerk

Copies of said Bill No. Z-77-12-29 -- Zoning Map Ordinance No. Z-03-78, Bill No. Z-77-12-30 -- Zoning Map No. Z-04-78, and Bill No. G-77-05-34 -- General Ordinance No. G-04-78, are posted in the following public places in Fort Wayne, Allen County, Indiana.

- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby at the east door of the Allen County Court House
- (3) The bulletin board in the lobby of the Downtown Fort Wayne Public Library

Copies of said Bill No. Z-77-12-29 -- Zoning Map Ordinance No. Z-03-78, Bill No. Z-77-12-30 -- Zoning Map No. Z-04-78, and Bill No. G-77-05-34 -- General Ordinance No. G-04-78, are posted in the following public places in Fort Wayne, Indiana.

- (4) The Reference Room in the north end of the main floor in said Downtown Public Library
- (5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana


Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinances in the designated places as stated above on March 3, 1978.


Charles W. Westerman
City Clerk